

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NATIONWIDE LIFE INSURANCE COMPANY,
a foreign corporation,

Plaintiff/Counter Defendant,

Case No. 2:11-cv-12422-AC-MKM

Hon. Avern Cohn

v.

WILLIAM KEENE, JENNIFER KEENE,
MONICA LYNN LUPILOFF, NICOLE RENEE
LUPILOFF and NICOLE RENEE LUPILOFF,
PERSONAL REPRESENTATIVE OF THE
ESTATE OF GARY LUPILOFF, DECEASED,

Defendants,

and

MONICA LYNN LUPILOFF, NICOLE RENEE
LUPILOFF and NICOLE RENEE LUPILOFF
PERSONAL REPRESENTATIVE OF THE ESTATE
OF GARY LUPILOFF, DECEASED,

Defendants/Counter-Plaintiffs and Cross-Plaintiffs,

v.

WILLIAM KEENE, JENNIFER KEENE,
Individually, jointly and severally,

Defendants/Cross-Defendants.

Michael F. Schmidt (P25213)
Harvey Kruse, P.C.
Attorney for Plaintiff
1050 Wilshire Drive, Suite 320
Troy, MI 48084
248-649-7800

John H. Bredell (P36577)
Bredell & Bredell
Attorney for Defendants, William
& Jennifer Keene
119 N. Huron Street
Ypsilanti, MI 48197
734-482-5000

Albert L. Holtz (P15088)
ALBERT L. HOLTZ, P.C.
Attorney for Monica Lupiloff, Nicole Lupiloff
and Nicole Lupiloff Personal Representative
of the Estate of Gary Lupiloff, deceased
3910 Telegraph Road, Suite 200
Bloomfield Hills, MI 48146

CROSS DEFENDANTS' ANSWER TO CROSS PLAINTIFF'S
CROSS COMPLAINT
(Document 12)

NOW COME the Cross Defendants Jennifer and William Keene and hereby answer Cross Plaintiff's Cross Complaint as follows:

1. Cross Defendants admit that Nationwide Insurance Company has its principal place of business in Ohio.
2. Cross Defendants are unable to admit or deny whether or not Monica Lupiloff is a resident of Chicago, Cook County, Illinois.
3. Cross Defendants are unable to admit or deny whether or not Renee Lupiloff is a resident of Oakland County, Michigan, or whether Nicole Renee Lupiloff is the duly qualified personal representative of the Estate of Gary Lupiloff.
4. Admit that Gary Lupiloff was murdered on July 13, 2010, but unable to admit or deny that he died within an hour of the shooting.

COUNT I
The Insurance Policy

5. No answer required.
6. Cross Defendant, William Keene, admits that the Cross Plaintiffs were contingent beneficiaries of the Nationwide Insurance policy when the policy was first

taken out but deny that William Keene had anything whatsoever to do with the murder of Gary Lupiloff and denies that he is the killer of Gary Lupiloff.

7. Cross Defendants are unable to admit or deny if the policy in question was issued without the knowledge of Cross Plaintiffs.

8. Denied as untrue.

9. Denied as untrue.

10. Denied as untrue.

WHEREFORE, Cross Defendants William and Jennifer Keene seek dismissal of Cross Plaintiffs Cross Complaint together with an award of interest and attorney fees for the filing of a frivolous action.

COUNT II
Wrongful Death

11. No answer required.

12. Denied as untrue that Cross Defendant William Keene was in any way involved or responsible for the murder of Gary Lupiloff.

13. Denied as untrue.

14. Cross Defendants are unable to admit or deny as to any suffering by Gary Lupiloff or his surviving family.

15. Denied that Cross Defendant William Keene had anything to do with the death of Gary Lupiloff and further denies that Cross Defendant Jennifer Keene knew anything about the death of Gary Lupiloff other than what she read in the paper.

16. Cross Defendants are unable to admit or deny what, if any, costs were expended by the Gary Lupiloff family or whether or not those expenses have been


compensated.

17. Cross Defendants admit that Cross Plaintiffs are seeking damages, but deny that they are entitled to any damages from Cross Defendant William Keene or from Cross Defendant Jennifer Keene.

WHEREFORE, Cross Defendants William and Jennifer Keene seek dismissal of Cross Plaintiffs' Cross Complaint together with an award of interest and attorney fees for the filing of a frivolous action.

Respectfully submitted,

Dated: June 30, 2011



John H. Bredell (P36577)
Attorney for Cross Defendants
William and Jennifer Keene
Bredell and Bredell
119 North Huron
Ypsilanti, Michigan 48197
(734) 482-5000

AFFIRMATIVE DEFENSES

NOW COMES Cross Defendants, William and Jennifer Keene, by and through their attorneys, Bredell and Bredell, and by way of affirmative defenses avers as follows:


1. Cross Plaintiffs have failed to state a claim upon which relief can be granted.
2. Cross Plaintiffs have failed to set forth sufficient facts that the Keenes committed any type of fraud.
3. Cross Plaintiffs have failed to set forth any facts that William Keene was involved in the death of Gary Lupiloff.

4. Cross Defendants, William and Jennifer Keene, reserve the right to plead such additional affirmative defenses that may become known upon completion of discovery.

5. Cross Plaintiff's complaint for wrongful death is improperly pled, pursuant to Fed R Civ P 22, in this interpleader claim.

Respectfully submitted,

Dated: June 30, 2011

/s/ 
John H. Bredell (P36577)
Attorney for Cross Defendants
William and Jennifer Keene
Bredell and Bredell
119 North Huron
Ypsilanti, Michigan 48197
(734) 482-5000

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of Cross Defendants' Answer to Cross-Plaintiffs' Complaint was served upon the attorneys of record of all parties to the above cause at their respective addresses disclosed by the pleadings on the 30th day of June, 2011, via:

- ☒ U.S. Postal Service
☐ Hand Delivery
☐ Certified Mail

- ☐ FAX
☐ Overnight Courier
☐ Other:


Glenda L. Svetkovich